

REMARKS

Claims 1-27 remain pending in the present application.

Finality of the Office Action

The Office Action is indicated as being Final. The Finality of the Office Action is improper since it raises new grounds of rejection that the Applicant has not had an opportunity to respond to under a non-Final Office Action. A CPA was filed on September 23, 2002. The Applicant respectfully requests that the Finality of the Office Action be withdrawn.

Claims 1-3 12-14 22 and 23 over Checchio

In the Office Action, claims 1-3, 12-14 22 and 23 were rejected under 35 USC 102(e) as allegedly being anticipated by Checchio et al., U.S. Patent No. 5,912,951 ("Checchio"). The Applicants respectfully traverse the rejection.

Claims 1-3 recite, *inter alia*, that upon deletion of a voice message from voice message memory, the voice message is **moved and restored** in deleted voice message memory. Claims 12-14 recite, *inter alia*, **removing** a deleted voice message, upon deletion from a first memory area, and storing the deleted voice message ~~memory~~ in a second memory area. Claims 22 and 23 recite, *inter alia*, means for **removing** a deleted voice message, upon deletion, from a first memory area, and means for **storing the deleted voice message** in a deleted voice message memory.

Checchio appears to disclose a voice mail system voice mail mailbox storing a plurality of messages and a pointer indicating a message in the message container (Abstract). After the voice mail system finishes playing the message to a user, the use is prompted to dispose of the message (Checchio, col. 5, lines 58-60). As an alternate to simply deleting the message, the message may be saved or forwarded (Checchio, col. 5, lines 61-63). The message is deleted from its first storage location and stored elsewhere in the voice mail system (Checchio, col. 5, lines 64-66).

Checchio discloses an alternative to deleting message is to save or forward them. However, deleted messages are deleted. Checchio fails to teach a voice message that, upon deletion, is moved to a second memory area or a deleted voice message memory, as respectively claimed by claims 1-3, 12-14 22 and 23.

A benefit of moving a voice message, upon deletion, to a second memory area, is, e.g., later retrieval of inadvertently deleted voice messages. Users of voice messaging systems frequently delete voice message and later wish they had not done so. Moving a deleted message to a second memory area allows a user to later search that area for a voice message that was inadvertently deleted.

Accordingly, for at least all the above reasons, claims 1-3, 12-14 22 and 23 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 4, 6, 15-18 and 24 over Checchio in view of Pickett

In the Office Action, claims 4, 6, 15-18 and 24 were rejected under 35 USC 103(a) as allegedly being obvious over Checchio in view of Pickett et al., U.S. Patent No. 6,266,340 ("Pickett"). The Applicants respectfully traverse the rejection.

Claims 4, 6, 15-18 and 24 are dependent on claims 1, 12 and 22 respectively, and are allowable for at least the same reasons as claims 1, 12 and 22.

Claims 4-6 recite, *inter alia*, that upon deletion of a voice message from voice message memory, the voice message is moved and restored in deleted voice message memory. Claims 15-18 recite, *inter alia*, removing a deleted voice message, upon deletion from a first memory area, and storing the deleted voice message memory in a second memory area. Claim 24 recites, *inter alia*, means for removing a deleted voice message, upon deletion, from a first memory area, and means for storing the deleted voice message in a deleted voice message memory.

As discussed above, Checchio fails to disclose, teach or suggest a voice message that, upon deletion, is moved to a second memory area or a deleted voice message memory, as respectively claimed by claims 4, 6, 15-18 and 24.

The Office Action relies on Pickett to allegedly make up for the deficiencies in Checchio to arrive at the claimed invention. The Applicants respectfully disagree.

Pickett appears to disclose a system in which voice/data communications may occur in multiple modes/protocols (Abstract). Various pieces of information, i.e., the status and operation of a communications system, are retained for a predetermined period of time and then purged (Pickett, col. 53, lines 37-43; lines 50-63).

Pickett discloses status and operational data is purged after a predetermined period of time. Pickett fails to disclose, teach or suggest a voice message that, upon deletion, is moved to a second memory area or a deleted voice message memory, as alleged by the Office Action and as respectively claimed by claims 4, 6, 15-18 and 24.

Neither Checchio nor Pickett, either alone or in combination, disclose, teach or suggest a voice message that, upon deletion, is moved to a second memory area or a deleted voice message memory, as claimed by claims 1-3, 12-14 22 and 23.

Accordingly, for at least all the above reasons, claims 1-3, 12-14 22 and 23 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 5 over Checchio in view of Pickett and Sato

In the Office Action, claims 4, 6, 15-18 and 24 were rejected under 35 USC 103(a) as allegedly being obvious over Checchio in view of Pickett, and further in view of Sato, Japanese Patent No. 10-200634 ("Sato"). The Applicants respectfully traverse the rejection.

Claim 5 is dependent on claim 1, and is allowable for at least the same reasons as claim 1.

Claim 5 recites, *inter alia*, that upon deletion of a voice message from voice message memory, the voice message is moved and restored in deleted voice message memory.

As discussed above, neither Checchio nor Pickett, either alone or in combination, disclose, teach or suggest a voice message that, upon deletion, is moved to a deleted voice message memory, as claimed by claim 5.

The Office Action relies on Sato to allegedly make up for the deficiencies in Checchio and Pickett to arrive at the claimed invention. The Applicants respectfully disagree.

Sato appears to disclose a voice message stored in a voice message memory (Abstract). When a time limit is met, a voice messaging system dials a telephone and gives a called party an option to delete the message (Sato, paragraphs 0015-0018).

Sato discloses giving a called party an option to delete a message. The message is deleted, **NOT** moved to a deleted voice message memory, as claimed by claim 5.

Neither Checchio, Pickett nor Sato, either alone or in combination, disclose, teach or suggest a voice message that, upon deletion, is moved to a deleted voice message memory, as claimed by claim 5.

Accordingly, for at least all the above reasons, claim 5 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7-9, 19, 20, 25 and 26 over Checchio in view of Pickett and Garson

In the Office Action, claims 7-9, 19 and 20 were rejected under 35 USC 103(a) as allegedly being obvious over Checchio in view of Pickett, and further in view of Garson et al., U.S. Patent No. 5,689,550 ("Garson"), with claims 25 and 26 allegedly obvious over Checchio in view of Garson. The Applicants respectfully traverse the rejection.

Claims 7-9, 19, 20, 25 and 26 are dependent on claims 1, 12 and 22 respectively, and are allowable for at least the same reasons as claims 1, 12 and 22.

Claims 7-9 recite, *inter alia*, that upon deletion of a voice message from voice message memory, the voice message is moved and restored in deleted voice message memory. Claims 19 and 20 recite, *inter alia*, removing a deleted voice message, upon deletion from a first memory area, and storing the deleted voice message memory in a second memory area. Claims 25 and 26 recite, *inter alia*, means for removing a deleted voice message, upon deletion, from a first memory area, and means for storing the deleted voice message in a deleted voice message memory.

As discussed above, neither Checchio nor Pickett, either alone or in combination, disclose, teach or suggest a voice message that, upon deletion, is moved to a second memory area or a deleted voice message memory, as claimed by claims 7-9, 19, 20, 25 and 26.

The Office Action relies on Garson to allegedly make up for the deficiencies in Checchio and Pickett to arrive at the claimed invention. The Applicants respectfully disagree.

Garson appears to disclose a call-detail-report in a delete queue that is deleted after it reaches its limit by percentage of memory or by number of records (col. 16, lines 23-32).

Garson discloses a delete queue containing a call-detail-report. Garson fails to disclose a novel method and apparatus for handling a deleted voice message, much less a voice message that, upon deletion, is moved to a deleted voice message memory or a second memory area, as claimed by claims 7-9, 19, 20, 25 and 26.

Neither Checchio, Pickett nor Sato, either alone or in combination, disclose, teach or suggest a voice message that, upon deletion, is moved to a deleted voice message memory or a second memory area, as claimed by claims 7-9, 19, 20, 25 and 26.

Accordingly, for at least all the above reasons, claims 7-9, 19, 20, 25 and 26 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 10, 11, 21 and 27 over Checchio in view of Newton

In the Office Action, claims 10, 11, 21 and 27 were rejected under 35 USC 103(a) as allegedly being obvious over Checchio in view of Newton, U.S. Patent No. 5,978,757 (“Newton”). The Applicants respectfully traverse the rejection.

Claims 10, 11, 21 and 27 are dependent on claims 1, 12 and 22, and are allowable for at least the same reasons as claims 1, 12 and 22.

Claims 10 and 11 recite, *inter alia*, that upon deletion of a voice message from voice message memory, the voice message is **moved and restored** in deleted voice message memory. Claim 21 recites, *inter alia*, **removing** a deleted voice message, upon deletion from a first memory area, and storing the deleted voice message memory in a second memory area. Claim 27 recites, *inter alia*, means for **removing** a deleted voice message, upon deletion, from a first memory area, and means for **storing the deleted voice message** in a deleted voice message memory.

As discussed above, Checchio fails to disclose, teach or suggest a voice message that, upon deletion, is moved to a second memory area or a deleted voice message memory, as claimed by claims 10, 11, 21 and 27.

The Office Action relies on Newton to allegedly make up for the deficiencies in Checchio to arrive at the claimed invention. The Applicants respectfully disagree.

Newton appears to disclose a voice messaging system that compresses voice messages as voice memory fills (Abstract). While memory utilization is low, messages can be maintained in memory using a high voice quality, low compression ration (Newton, Abstract). As memory utilization is shrunk due to the storage of more messages, previously stored or other selected voice messages are re-compressed at a higher compression ratio (Newton, Abstract).

Newton discloses varying a compression ratio for stored voice messages in a voice messaging system. Newton fails to disclose, teach or suggest a novel method and apparatus for the handling of deleted voice messages, much less a voice message that, upon deletion, is moved to a second

memory area or a deleted voice message memory, as claimed by claims 10, 11, 21 and 27.

Neither Checchio nor Newton, either alone or in combination, disclose, teach or suggest a voice message that, upon deletion, is moved to a deleted voice message memory or a second memory area, as claimed by claims 10, 11, 21 and 27.

Accordingly, for at least all the above reasons, claims 10, 11, 21 and 27 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df